

## Harris County - County Civil Court at Law No. 2

CAUSE NO. 1155732

FATOU YANSANE AS NEXT FRIEND	§	IN THE COUNTY COURT
OF DIOR YANSANE AND MAREME	§	
DIOKHANE AS NEXT FRIEND OF	§	
ARAME MARRE	§	
	§	
VS	§	OF HARRIS COUNTY, TEXAS
	§	
FIESTA CORP, LLC	§	COUNTY COURT NO. _____

**PLAINTIFFS' ORIGINAL PETITION**

NOW COME Plaintiffs Fatou Yansane, as Next Friend of Dior Yansane and Mareme Diokhane, as Next Friend of Arame Marre complaining of Defendant Fiesta Corp., LLC., and for cause of action would show the Court the following:

**Discovery Control Plan**

1. As provided in Rule 190, Texas Rules of Civil Procedure, Plaintiffs intend to conduct discovery under Level 2.

**Plaintiffs**

2. Fatou Yansane, as Next Friend of Dior Yansane Plaintiff, is an individual whose address is 1600 Eldridge Parkway, Apt # 2508, Houston, TX 77077. The last three digits of Plaintiff's driver's license number are 069. The last three digits of Plaintiff's Social Security number are 990.

3. Mareme Diokhane, as Next Friend of Arame Marre Plaintiff, is an individual whose address is 1600 Eldridge Parkway, Apt # 2508, Houston, TX 77077. The last three digits of Plaintiff's driver's license number are 531. The last three digits of Plaintiff's Social Security number are 983.

**Defendant**

4. Defendant, Fiesta Corp. LLC, is a Texas Limited Liability Corporation organized in the State of Texas and Defendant may be served with process by serving it's registered agent

**EXHIBIT****3**

Jack Norman, by personal delivery at the registered office located at 5644 Westheimer Rd., Suite 256, Houston, Texas 77056.

5. This Court has jurisdiction over Fiesta because said Defendant is a resident of Texas.

#### **Venue**

6. Venue is proper in this county in that the events giving rise to this cause of action occurred within Harris County.

#### **Jurisdiction**

7. The damages sought in this suit are within the jurisdictional limits of the Court. As required by Rule 47, Texas Rules of Civil Procedure, Plaintiffs state that Plaintiffs seek monetary relief over \$100,000 but not more than \$200,000.

#### **Facts**

8. The product at issue in this action eggs, sold by Defendant in their store located at 12584 Westheimer Rd, Houston, TX 77077 hereinafter called “the product”.

9. Fiesta is a seller of the product.

10. Plaintiff’s purchased a carton of eggs from Defendant store. Plaintiffs prepared scrambled eggs for their minor daughters who promptly ate them. Shortly thereafter they both became sick and had to go to the hospital emergency care. They were examined and diagnosed with food poisoning. They required medication and suffered pain and discomfort.

#### **Cause of Action Against**

11. Defendant sold the product in its ordinary course of business with an implied representation that the food was safe for human consumption. The food, in fact, made plaintiffs sick. Such conduct was a proximate cause of the injuries and damages suffered by Plaintiffs.

#### **Damages Suffered by Fatou Yansane as Next Friend of Dior Yansane**

12. As a result of the above, Dior Yansane suffered and will continue to suffer, and now seeks actual damages for, the following:

- a. physical pain and suffering;
- b. medical or health care expenses;

- c. physical impairment; and
- d. inconvenience.

**Damages Suffered by Mareme Diokhane as Next Friend of Arame Mareme**

13. As a result of the above, Arame Mareme suffered and will continue to suffer, and now seeks actual damages for, the following:

- a. physical pain and suffering;
- b. medical or health care expenses;
- c. physical impairment; and
- d. inconvenience.

**Interest**

14. Plaintiffs seek prejudgment and post-judgment interest on all damage awards.

**Alternative Pleadings**

15. As provided in Rule 48, Texas Rules of Civil Procedure, claims for relief made in this petition are presented in the alternative when necessary to preserve such claim.

**Request for Disclosure**

16. As provided in Rule 194, Texas Rules of Civil Procedure, Plaintiffs request disclosure of all items listed in Rule 194.2, Texas Rules of Civil Procedure.

**Prayer**

Plaintiffs pray that citation be issued commanding Defendant to appear and answer herein and that Plaintiffs be awarded judgment against Defendant for the relief requested herein and for all other relief to which Plaintiffs are entitled both in equity and at law.

Respectfully submitted,

LAW OFFICE OF WARREN FITZGERALD  
MUHAMMAD

By: Warren F. Muhammad

Warren Fitzgerald Muhammad  
The Beulah Shephard Building  
6112 Wheatley  
Houston, TX 77091

Phone: 713-360-7091

Fax: 713-510-1504

Email: [warren@wfmllawfirm.com](mailto:warren@wfmllawfirm.com)

Attorney for Plaintiffs

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